

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.6526 of 2015 (O&M)

Date of Decision.29.04.2016

Shanti Devi

.....Appellant

Vs.

Gurdeep Singh and others

.....Respondents

Present: Mr. Satish Chaudhary, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

C.M. No.8497-CII of 2016

For the reasons stated in the application, delay of 5 days in filing the restoration application is condoned.

Application is allowed.

C.M. No.8498-CII of 2016

For the reasons stated in the application, order passed by this Court on 04.03.2016 is recalled and the appeal is restored to its original number.

Application is allowed.

FAO No.6526 of 2015 (O&M)

1. Delay of 73 days in refiling and 85 days in filing the appeal is condoned.
2. There is an appeal for enhancement of claim for compensation for the death of a person aged 24 years. The claimants

were parents. It was stated that the deceased had trained himself to work on computer. At the trial, the certificate produced showed that he was earning ₹120/- per day. The Tribunal took his average income ₹3600/- per month, made an increase at 50%, adopted a 50% deduction as laid by the Supreme Court in Sarla Verma Vs. DTC 2009(6) SCC 121 and applied a multiplier of 18. It also provided for ₹1 lac for loss of love and affection, ₹25,000/- for funeral expenses and ₹10,000/- for loss to estate and assessed a total compensation of Rs.8,79,717/-. The Tribunal has assessed every head of claim correctly which was possible as per the law laid down by the Supreme Court in Sarla Verma's case referred to above.

3. The counsel for the appellant argues that the deceased must be assessed as skilled employee and wages must be taken as minimum wages provided for a skilled worker in Haryana Government. Where income was actually shown to be ₹120/- per day and the Tribunal had taken notice of the income proof available and factored even a prospect of increase, there is no scope for making a conjectural increase in the manner in which it was canvassed by the counsel appearing on behalf of the appellant.

4. There is no scope for making an intervention with the award already passed. The appeal is dismissed.

(K. KANNAN)
JUDGE

April 29, 2016
Pankaj*